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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,044	06/30/2000	Chandrasekhar Narayanaswami	13579 (YOR9-2000-0236)	1092

7590 11/19/2007
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EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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11/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/608,044

Applicant(s)

NARAYANASWAMI,
CHANDRASEKHAR

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12, 14-22 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-12, 14-22 and 24-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 33 and 34 recite the limitation "said user handheld device" in line 5.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-12, 14-22, and 24-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Ran et al., US Patent Number 6,209,026 (hereinafter Ran) in view of Shibata et al., US Patent Number 5,835,923 (hereinafter Shibata).

Regarding claims 2, 22, and 32, Ran discloses a system (method and program) for communicating data to a wearable appliance including a wireless data receiver device for receiving wireless data communications, said system comprising: a first communications sub-system enabling a user to initiate an asynchronous request for data to be communicated to said wearable appliance at a user-specified future time and location; a second communications sub-system including a wireless data transmission

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channel for communicating data to said wearable appliance; and a server control device for receiving said data requests via said first communications sub-system and, in response to said request, retrieving said requested data for said user and assembling said retrieved data in a form suitable for communication via said second communications sub-system, whereby a user asynchronously demands said data transfer from said first communications sub-system and receives a data transmission via said second communications sub-system, xxx in synchronism with user availability at said user-specified future time and location without requiring further user participation during said transmission [col. 1: lines 31-46, 59-64; col. 6: lines 17-25, 42-46].

What Ran does not specifically disclose is said wearable appliance is adapted to be placed in a sleep mode of operation, and further including an alarm mechanism for placing said wireless data receiver device in a receive mode of operation from a sleep mode of operation for receiving said wireless data communications at said requested time. However, Shibata teaches this limitation [col. 21: lines 1-11].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Ran to include Shibata. The rationale for this modification would have been to adapt Ran's device to include power saving benefits to improve efficiency and battery lifespan of the device.

Regarding claims 2, 14, and 24, Ran discloses said request includes a user identification code for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto [col. 2: lines 30-40].

Regarding claims 3, 15, and 25, Ran discloses said server device includes mechanism for generating a personalized menu comprising user selections of types of data to be transmitted based on said user identification code [col. 2: lines 54-62].

Regarding claims 4, 16, and 26, Ran discloses wherein said second first communications sub-system comprises a telephone system including a telephone keypad, said user identification code comprising a sequence of one or more dual-tone multi-frequency DTMF signals entered by said user via said telephone keypad [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claims 5, 17, and 27, Ran discloses wherein said server control device includes mechanism responsive to said user identification code for retrieving said personalized menu of types of data to be transmitted and generates a voice transmission for presenting said personalized menu selections to said user via said telephone system [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claims 6, 18, and 28, Ran discloses wherein said user selects a type of data to be transmitted via said telephone keypad, said server control device includes mechanism for receiving DTMF signals and interpreting said DTMF signals for association with said user menu selection [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claims 7, 19, and 29, Ran discloses wherein said fast communications sub-system comprises a personal computing device implementing a Web browser for accessing and communicating with said server control device via Web-based communications, wherein said user identification code comprises entry of a password entry via a keyboard device entered in a Web page [col. 2: lines 18-40].

Regarding claims 8, 20, and 30, Ran discloses wherein said server control device includes mechanism responsive to said user identification code for retrieving said personalized menu of types of data to be transmitted and generates a Web-based communication for receipt by said user Web browser to present said personalized menu [col. 2: lines 31-53].

Regarding claims 9, 21, and 31, Ran discloses wherein said user selects a type of data to be transmitted via a mouse device by clicking a menu choice presented on a Web page [col. 6: lines 42-45].

Regarding claim 10, Ran discloses wherein said second communications sub-system comprises a paging network [col. 6: lines 17-25].

Regarding claim 11, Ran discloses wherein said second communications sub-system comprises a Bluetooth wireless communications network [col. 2: lines 4-17].

Regarding claims 33 and 34, Ran discloses means for providing pre-determined personalized selectable menu option choices to a user for user selection at a time of making a data request, said pre-determined personalized selectable menu option choices relating to requests for receipt of data associated with two or more user applications each adapted for execution on the device, and which data is received and maintained for users as part of said associated user applications, wherein said menu options enable a user to set specific data delivery options in advance or at data request time, to specify what data needs to be sent and the user-specified time [col. 23: line 48 – col. 24: line 40].

Response to Arguments

5. Applicant's previous arguments filed 5/29/07 with respect to claims 12, 22 and 32 have been considered but are moot in view of the new ground(s) of rejection (see Final Office Action mailed 8/14/07). Applicant amended the independent claims to include awaking the device from a sleep mode of operation in order to receive requested data. As such, the claims were rejected over Ran in view of newly cited prior art, Shibata. The Examiner maintains that Ran teaches the other limitations of the pending claims as outlined above.

Conclusion

6. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and were finally in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAG
November 13, 2007


ERIK A. GARY
PRIMARY EXAMINER